

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS**

Trinity Industries Leasing Company,)	
)	
Plaintiff,)	
)	
v.)	No. 13 C 439
)	
Midwest Gas Storage, Inc., et al,)	Judge Rebecca R. Pallmeyer
)	
)	
Defendants.)	

ORDER

Defendants' motion to dismiss [93] is granted in part and denied in part. Count 9 (constructive trust) is dismissed, as are all claims against Ms. O'Malley. Plaintiff has stated a fraud claim based upon Mr. O'Malley's pre-lease representations, but not based on representations he made after Plaintiff had sued Indiana Corn and repossessed the rail cars. Count I (fraud) is therefore dismissed in part. The motion is otherwise denied. (For further detail see separate order.)

Parties are invited to submit a proposed revised scheduling order. Parties are also encouraged to discuss the possibility of settlement and to advise the courtroom deputy of their interest, if any, in a referral to Magistrate Judge Brown for this purpose. Status hearing set for 4/4/2014 at 9:00 a.m.

ENTER:

Dated: March 21, 2014



REBECCA R. PALLMEYER
United States District Judge